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National Cable Television Association

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July 6, 1995

HAND-DELIVERY

Mr. Saul Shapiro
Assistant Chief for Technology Policy
Mass Media Bureau
Federal Communications Commission
1919 M Street N. W., Room 316
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Re: MM Docket No. 87-268
Advanced Television Systems

Dear Mr. Shapiro:

On June 28, 1995, the undersigned, accompanied by Brendan Clouston, TCI Communications, Inc., Robert Miron, Advance/Newhouse Communications, and Ted Turner, Turner Broadcasting Co. met with Chairman Reed Hundt, yourself and other members of the Commission staff concerning the upcoming Further Notice in the above captioned proceeding.

At that meeting, Chairman Hundt invited us to submit questions for consideration in the Notice. Attached are a list of questions that we believe should be addressed by the Notice.

If you have any questions, please contact me.

Sincerely,



Daniel Brenner

Attachment

cc: Chairman Reed Hundt
Blair Levin, Chief of Staff
Julius Genachowski, Legal Assistant to the Chairman
Secretary, Federal Communications Commission

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QUESTIONS FOR THE ADVANCED TELEVISION PROCEEDING

What is the demand for over-the-air digital broadcasting vs. demand for cable-delivered versions of the signals? What is the FCC's purpose in developing over-the-air digital TV in a marketplace where over 60% of the public receives its programming from cable?

Why does the government need to adopt a digital standard? Why not leave the question to the marketplace?

What are the other possible competing uses of the spectrum slated to be assigned to broadcasters for ATV?

What will be the standard for determining when NTSC spectrum will be returned? What if there is a substantial (>5%) of TVs that remain NTSC and can't or won't be able to convert to digital? What precedents are there for requiring those receivers to be obsolete or purchase a digital box?

The 1992 Order actually adopted a migration plan to HDTV with simulcasting requirements. If the FCC is now considering multiple TV programming on the same 6 Mhz of spectrum, why should only broadcasters be allowed to apply for the spectrum?

Should the FCC seek auction authority for the proposed ATV spectrum so that it could be subject to auction to any and all parties, before proceeding in the matter?

Would the program access rules apply to those who broadcast on the ATV spectrum?

How should the retransmission consent rules apply to signals transmitted in the ATV spectrum?

If the broadcasters intend to use any of the spectrum for pay services shouldn't they pay an appropriate fee to the government for use of public airwaves?

The Commission's ATV goal has been to effectuate a change in technical standards. If broadcasters are free to use the ATV spectrum for multiple plays of TV programs and other uses that have nothing to do with a transition to a new technology, what is the policy basis for giving the spectrum to incumbents?

Will such discretionary use delay the implementation of HDTV?

If the ATV frequencies are used for other services, e.g. data transmission, what are the technical ramifications for cable and other video providers?

What about public interest concerns about diversity of ownership in any assignment other than as proposed in 1992 (i.e., the grant of more than one transition channel to an incumbent licensee)?

Consumers have an increasing variety of media and providers of subscription programming. "Over-the-air" programming has traditionally been advertiser supported or public supported. If this limited spectrum capacity is allowed to carry subscription programming, the public will have reduced access to "free" television. This will narrow the choices available to consumers. Shouldn't consumers continue to have access to a wide variety of advertiser supported, non-subscription television to complement the subscription television available from a growing number of other sources? In the event that "over-the-air" programming is offered on subscription terms, should it fall under the must carry requirements? This would seem to yield an unfair competitive advantage to programming meant to be sold.

Will flexibility defeat HDTV? The likelihood is that if Standard Definition digital Television (SDTV) is allowed to be broadcast at the same time High Definition digital Television (HDTV) is authorized, HDTV will not be able to survive. Assume SDTV is successful. Programming will expand and fill the capacity. Consumer electronics manufacturers will make receivers which do SDTV but avoid the increased costs of HDTV. No programmer would abandon a popular, successful media, SDTV, in order to experiment with a questionable other media, HDTV if only because there will be few if any receivers capable of displaying HDTV and a growing population of SDTV receivers. Consumers would object strenuously to having their SDTV receivers obsolete and their SDTV programming removed. HDTV would fail. Alternatively, assume SDTV is not successful because consumers are quite happy with NTSC and see little benefit from a more expensive SDTV receiver. The volume of sales of SDTV receivers would be low, the price would remain high, programmers would not create new programming. All of these financial losses and negative experiences would discourage any experimentation with HDTV. Again, HDTV would fail. If the public is to be offered an opportunity for HDTV, isn't it necessary to avoid the distraction and interference of SDTV?